

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

**NOTICE OF HEARING AND MOTION
FOR TURNOVER OF RECORDS**

TO: PARTIES SPECIFIED IN LOCAL RULE 9013-3.

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion at 2:00 p.m. on September 1, 2010, in Courtroom 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery not later than August 27, 2010 which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This court has jurisdiction over this motion under 28 U.S.C. §§157 and 1334, Fed. R. Bankr. P. 5005, and Local Rule 1070-1. The petition commencing this chapter 7 case was filed on June 4, 2009. The case is now pending in this Court.

5. This motion arises under Bankruptcy Rule 1009(a) and is filed under Bankruptcy Rule 9014 and Local Rule 9013-5. The trustee requests an order pursuant to 11 U.S.C. §§541(a)(4) and 542(3) the turnover of records from The Prudential Insurance Company of America ("**Prudential**"), KNW Group ("**KNW Group**") and Your Exchange Check Cashing ("**YECC**").

6. The trustee seeks an order requiring Prudential to turnover to the trustee, within 7 days from the hearing date the following:

- (a) Any communication between Prudential and any of the following from June 1, 2009 to date:
 - i. Dennis Hecker
 - ii. Christi Rowan
 - iii. William Prohofsky
 - iv. William Skolnick
 - v. Kelly K. Hecker
 - vi. Daniel Aldrich
 - vii. Any children or grandchildren of Dennis E. Hecker
- (b) Any checks, transfers, wire transfers, etc. to any of the following from June 1, 2009 to date:
 - i. Dennis Hecker
 - ii. Christi Rowan
 - iii. William Prohofsky
 - iv. William Skolnick
 - v. Kelly K. Hecker
 - vi. Daniel Aldrich
 - vii. Any children or grandchildren of Dennis E. Hecker
- (c) Copies of files and records, including policies, correspondence and all other records related to any of the following:
 - i. Dennis Hecker
 - ii. Christi Rowan
 - iii. William Prohofsky
 - iv. William Skolnick
 - v. Kelly K. Hecker
 - vi. Daniel Aldrich
 - vii. Any children or grandchildren of Dennis E. Hecker

7. The trustee seeks an order requiring KNW Group to turnover to the trustee, within 7 days from the hearing date the following:

- (a) Any communication between KNW Group and any of the following from June 1, 2009 to date:
 - i. Dennis Hecker
 - ii. Christi Rowan
 - iii. William Prohofsky
 - iv. William Skolnick

- v. Kelly K. Hecker
 - vi. Daniel Aldrich
 - vii. Any children or grandchildren of Dennis E. Hecker
- (b) Any checks, transfers, wire transfers, etc. to any of the following from June 1, 2009 to date:
- i. Dennis Hecker
 - ii. Christi Rowan
 - iii. William Prohovsky
 - iv. William Skolnick
 - v. Kelly K. Hecker
 - vi. Daniel Aldrich
 - vii. Any children or grandchildren of Dennis E. Hecker
- (c) Copies of files and records, including policies, correspondence and all other records related to any of the following:
- i. Dennis Hecker
 - ii. Christi Rowan
 - iii. William Prohovsky
 - iv. William Skolnick
 - v. Kelly K. Hecker
 - vi. Daniel Aldrich
 - vii. Any children or grandchildren of Dennis E. Hecker

8. The trustee seeks an order requiring YECC to turnover to the trustee, within 7 days from the hearing date the following:

(a) All of its files and records for any checks cashed at the request of Dennis E. Hecker or Christi Rowan since June 4, 2009 including copies of all said checks.

(b) All of its files and records for any gift cards liquidated, or jewelry or other property including watches, purchased from Dennis E. Hecker or Christi Rowan since June 4, 2009.

(c) Copies of all documents evidencing any payment to Dennis E. Hecker or Christi Rowan for any purpose since June 4, 2009.

9. The Trustee gives notice that he may testify regarding the issues raised by this motion.

WHEREFORE, the trustee requests an order of the court requiring turnover to the trustee of the following:

1. The trustee seeks an order requiring Prudential to turnover to the trustee, within 7 days from the hearing date the following:

(a) Any communication between Prudential and any of the following from June 1, 2009 to date:

- i. Dennis Hecker
- ii. Christi Rowan
- iii. William Prohofsky
- iv. William Skolnick
- v. Kelly K. Hecker
- vi. Daniel Aldrich
- vii. Any children or grandchildren of Dennis E. Hecker

(b) Any checks, transfers, wire transfers, etc. to any of the following from June 1, 2009 to date:

- i. Dennis Hecker
- ii. Christi Rowan
- iii. William Prohofsky
- iv. William Skolnick
- v. Kelly K. Hecker
- vi. Daniel Aldrich
- vii. Any children or grandchildren of Dennis E. Hecker

(c) Copies of files and records, including policies, correspondence and all other records related to any of the following:

- i. Dennis Hecker
- ii. Christi Rowan
- iii. William Prohofsky
- iv. William Skolnick
- v. Kelly K. Hecker
- vi. Daniel Aldrich
- vii. Any children or grandchildren of Dennis E. Hecker

2. The trustee seeks an order requiring KNW Group to turnover to the trustee, within 7 days from the hearing date the following:

(a) Any communication between KNW Group and any of the following from June 1, 2009 to date:

- i. Dennis Hecker
 - ii. Christi Rowan
 - iii. William Prohofsky
 - iv. William Skolnick
 - v. Kelly K. Hecker
 - vi. Daniel Aldrich
 - vii. Any children or grandchildren of Dennis E. Hecker
- (b) Any checks, transfers, wire transfers, etc. to any of the following from June 1, 2009 to date:
 - i. Dennis Hecker
 - ii. Christi Rowan
 - iii. William Prohofsky
 - iv. William Skolnick
 - v. Kelly K. Hecker
 - vi. Daniel Aldrich
 - vii. Any children or grandchildren of Dennis E. Hecker
- (c) Copies of files and records, including policies, correspondence and all other records related to any of the following:
 - i. Dennis Hecker
 - ii. Christi Rowan
 - iii. William Prohofsky
 - iv. William Skolnick
 - v. Kelly K. Hecker
 - vi. Daniel Aldrich
 - vii. Any children or grandchildren of Dennis E. Hecker

3. The trustee seeks an order requiring YECC to turnover to the trustee, within 7 days from the hearing date the following:

(a) All of its files and records for any checks cashed at the request of Dennis E. Hecker or Christi Rowan since June 4, 2009 including copies of all said checks.

(b) All of its files and records for any gift cards liquidated, or jewelry or other property including watches, purchased from Dennis E. Hecker or Christi Rowan since June 4, 2009.

(c) Copies of all documents evidencing any payment to Dennis E. Hecker or Christi Rowan for any purpose since June 4, 2009.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: August 17, 2010

By _____
Matthew R. Burton, #210018
Attorneys for Randall L. Seaver, Trustee
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402-1234
(612) 332-1030

VERIFICATION

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Dennis E. Hecker, named in the foregoing Notice of Hearing and Motion for Turnover of Records declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on August 17, 2010

/s/ Randall L. Seaver

Randall L. Seaver, Trustee

426056

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2010, I caused the following documents:

Notice of Hearing and Motion for Turnover of Records and Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first-class mail, postage paid, to the following:

Dennis E. Hecker
1615 Northridge Drive
Medina, MN 55391

Michael W. Malter
Binder & Malter LLP
2775 Park Avenue
Santa Clara, CA 95050

Michael B. Lubic
Sonnenschein Nath & Rosenthal LLP
601 S Figueroa St Ste 2500
Los Angeles, CA 90017-5704

KNW Group
Attn: Officer/Managing Agent
4350 Baker Road Suite 250
Minnetonka, MN 55343

Prudential Insurance Company of America
Attn: Officer/Managing Agent
P.O. Box 7960
Philadelphia, PA 19176

YECC
Attn: Officer/Managing Agent
8187 University Avenue
Suite B
Spring Lake Park, MN 55432

/e/ Valerie Rittenbach

Dated: August 17, 2010

Valerie Rittenbach
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

ORDER

This case is before the court on the motion of Randall L. Seaver, trustee, for turnover of records from The Prudential Insurance Company of America, KNW Group and Your Exchange Check Cashing.

Upon the motion and the files,

IT IS ORDERED that

1. Within seven days from the entry of this order, The Prudential Insurance Company of America shall turnover to the trustee:

(a) Any communication between Prudential and any of the following from June 1, 2009 to date:

- i. Dennis Hecker
- ii. Christi Rowan
- iii. William Prohovsky
- iv. William Skolnick
- v. Kelly K. Hecker
- vi. Daniel Aldrich
- vii. Any children or grandchildren of Dennis E. Hecker

(b) Any checks, transfers, wire transfers, etc. to any of the following from June 1, 2009 to date:

- i. Dennis Hecker
- ii. Christi Rowan
- iii. William Prohovsky
- iv. William Skolnick
- v. Kelly K. Hecker
- vi. Daniel Aldrich
- vii. Any children or grandchildren of Dennis E. Hecker

- (c) Copies of files and records, including policies, correspondence and all other records related to any of the following:

- i. Dennis Hecker
- ii. Christi Rowan
- iii. William Prohovsky
- iv. William Skolnick
- v. Kelly K. Hecker
- vi. Daniel Aldrich
- vii. Any children or grandchildren of Dennis E. Hecker

2. Within seven days from the entry of this order, KNW Group shall turnover to the trustee:

- (a) Any communication between KNW Group and any of the following from June 1, 2009 to date:

- i. Dennis Hecker
- ii. Christi Rowan
- iii. William Prohovsky
- iv. William Skolnick
- v. Kelly K. Hecker
- vi. Daniel Aldrich
- vii. Any children or grandchildren of Dennis E. Hecker

- (b) Any checks, transfers, wire transfers, etc. to any of the following from June 1, 2009 to date:

- i. Dennis Hecker
- ii. Christi Rowan
- iii. William Prohovsky
- iv. William Skolnick
- v. Kelly K. Hecker
- vi. Daniel Aldrich
- vii. Any children or grandchildren of Dennis E. Hecker

- (c) Copies of files and records, including policies, correspondence and all other records related to any of the following:

- i. Dennis Hecker
- ii. Christi Rowan
- iii. William Prohovsky
- iv. William Skolnick
- v. Kelly K. Hecker
- vi. Daniel Aldrich
- vii. Any children or grandchildren of Dennis E. Hecker

3. Within seven days from the entry of this order, Your Exchange Check Cashing shall turnover to the trustee:

(a) All of its files and records for any checks cashed at the request of Dennis E. Hecker or Christi Rowan since June 4, 2009 including copies of all said checks.

(b) All of its files and records for any gift cards liquidated, or jewelry or other property including watches, purchased from Dennis E. Hecker or Christi Rowan since June 4, 2009.

(c) Copies of all documents evidencing any payment to Dennis E. Hecker or Christi Rowan for any purpose since June 4, 2009.

Dated:

426060